

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
April 13-17, 1998

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
4-14	EX	74/421,666	Pingel Enterprise, Inc.	Sams Hohein* Hairston	de jure functionality; distinctiveness under Sec. 2(f)	Refusal Affirmed (on both grounds)		configuration of a fuel valve for motorcycles [fuel filters and valves]		Sussman	Yes
4-14	CANC (MD)	26,657	Wellcome Foundation Ltd. v. Merck & Co., Inc.	Quinn Hairston Walters [Opinion "By the Board"]	whether respondent's registration should be cancelled because: (1) the drawing does not comport with current drawing requirements and/or (2) the description of the mark is too broad	Motion to Dismiss Granted [Petition to Cancel Denied]		configuration of an "irregular shield-shaped tablet" [pharmaceutical preparation for use as an antihypercholesterolemic agent]			Yes
4-14	OPP	97,778	Isolab, Inc. v. Genzyme Corp.	Simms Quinn* Hairston	2(d); whether opposer's mark is deceptively misdescriptive [2(e)(1)] or deceptive [2(a)]	Opposition Sustained	"LDL-DIRECT" [blood testing equipment and reagents, including in vitro cholesterol test kits]	"DIRECT LDL" [diagnostic reagents for the immunoseparation of cholesterol components in vitro]			No

(1) EX=Ex Parte Appeal; OPP=Opposition; CANC=Cancellation; CU=Concurrent Use; (SJ)=Summary Judgment; (MD)=Motion to Dismiss; (MR)=Motion to Reopen; (R)=Request for Reconsideration

(2) *=Opinion Writer; (D)=Dissenting Panel Member

SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD
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4-15	EX	74/638,378	IES Industries Inc.	Cissel* Seeherman Hanak	2(d)	Refusal Affirmed		"IES" (and design) [public utility services in the nature of supplying electrical power, steam and natural gas; transportation of goods by rail and barge]	"IES" [consulting services in the field of electric energy]	Benzmiller	No
4-16	EX	74/680,382	Pro Natura, Inc.	Simms* Cissel Hanak	2(d)	Refusal Affirmed		"PRONATURA" [dietary and nutritional supplements; preparations for treatment of the symptoms of menopause; antacids]	"PRO-NATURED" [vitamins, minerals, and food supplements]	Sarai	No
4-17	EX EX	74/625,990 74/626,187	Conopco, Inc.	Cissel Quinn* Walters	Section 6 disclaimer requirement [of word "SEASON-ING"--(NB: the word "SPREADS" had already been disclaimed in both marks)]	Refusals Affirmed (in both cases)		"ADOLPH'S SEASONING SPREADS" and "IMPERIAL SEASONING SPREADS" [vegetable oil and dairy based spreads]		Fruehling	No
4-17	EX	74/467,612	New Paradigm Software Corp.	Simms Seeherman Hairston*	whether applicant has identified its goods with enough specificity	Refusal Affirmed		design incorporating a stylized artist's palette ["computer software capable of having its functionality changed in real time by changing the data in a configuring database and manuals therefor"]		Le	No

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